

HOUSE BILL 2738

By Pitts

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 5, Part 5, relative to abolition or reduction of teaching positions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-511(b), is amended by deleting subdivision (3) in its entirety and substituting instead the following language:

(3) A tenured teacher who has been dismissed because of abolition of a position shall be placed on a list for reemployment in the first vacancy the teacher is qualified by training and experience to fill. While nothing in this subsection (b) shall be construed to deprive the director of schools of the power to determine the filling of such vacancy on the basis of the director of school's evaluation of the teacher's competence, compatibility and suitability to properly discharge the duties required for the vacant position, the director of schools and the board of education are expressly forbidden to use abolition of position as a method of avoiding dismissal charges and the accompanying due process rights attaching to the status of tenure. In determining which teacher shall be reemployed, the rejection of a teacher for any specific vacancy shall be accompanied by notice to the board of education of the rejection and the teacher shall receive a written notice of reasons. Teachers rejected for subsequent vacancies shall be notified of all criteria attached to future applications and placement opportunities so as to maximize retraining and reemployment opportunities of experienced teachers.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.